

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4153

IN THE MATTER OF:

Served August 16, 1993

|                                     |   |                   |
|-------------------------------------|---|-------------------|
| Investigation of Failure to File    | ) | Case No. MP-93-17 |
| Annual Report and Order to Show     | ) |                   |
| Cause Why Operating Authority       | ) |                   |
| Should not be Suspended or Revoked, | ) |                   |
| Directed to: DAVID C. PEARSON,      | ) |                   |
| Trading as E&H TRANSPORTATION       | ) |                   |
| COMPANY (No. 53)                    | ) |                   |

This proceeding was initiated on June 15, 1993, in Order No. 4111, as amended July 1, 1993, by Order No. 4118. David C. Pearson, trading as E&H Transportation Co. (Pearson), was directed to pay a \$250 assessment and appear at a hearing scheduled for July 15, 1993, to show cause why its certificate should not be suspended or revoked. In lieu of paying the assessment and appearing at the hearing, Pearson was permitted to pay a \$100 civil forfeiture and file its annual report on or before July 9, 1993.

Pearson's certificate was automatically suspended at 12:01 a.m., July 16, 1993, for failure to respond to Order Nos. 4111 and 4118 on or before July 15, 1993. Pearson submitted an annual report and a check for \$250 on July 21. The Executive Director accepted Pearson's late-filed report and issued Order No. 4142 "For the Commission," lifting the suspension but continuing the proceeding for a final determination.<sup>1</sup>

Three other carriers, Ironsides Medical Transportation Corporation, Bethany Travel Agency, Inc., trading as Bethany Travel and Limousine Service, and C&M Corporation, were scheduled to attend the hearing with Pearson, but they did not appear. Those three and Pearson are responsible for the hearing costs by virtue of not responding to Order Nos. 4111 and 4118 by noon of the day preceding the hearing.<sup>2</sup> The Commission's records show that the cost of the hearing was \$250. Each carrier's share, therefore, is \$62.50.

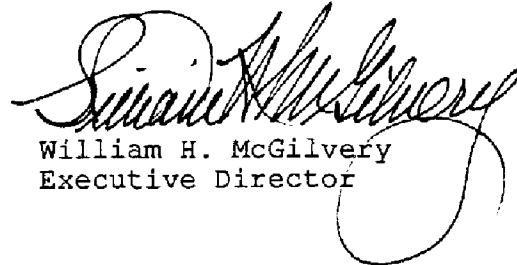
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<sup>1</sup> The Executive Director has authority under Commission Regulation No. 7-05 to extend filing deadlines for good cause. See e.g., In re Automated Business Sys. & Servs., Inc., No. MP-93-25, Order No. 4136 (July 14, 1993) (report & forfeiture submitted and accepted July 14, 1993, terminating proceeding).

<sup>2</sup> In re Statement of Policy Regarding Hearing Officer Expenses, General Order No. 21 (Oct. 3, 1983).

THEREFORE, IT IS ORDERED that the Executive Director shall refund \$87.50 of the \$250 deposited with the Commission by David C. Pearson, trading as E&H Transportation Co., retaining \$100 in payment of a civil forfeiture and \$62.50 in pro rata payment of hearing costs, thereby terminating Case No. MP-93-17.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery  
Executive Director